



CSD *News Release*

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HIGH COURT TO DECIDE FATE OF COUNTY AND MUNICIPAL TOWING REGULATIONS

Next Tuesday, April 23, the United States Supreme Court will hear oral arguments in a case that will determine whether cities and counties can regulate towing companies.

Last year June, the Sixth Circuit Court of Appeal, in '*Ours Garage & Wrecker Service, Inc. v. City of Columbus*,' affirmed an earlier district court's judgment permanently enjoining the City of Columbus, Ohio from enforcing its towing regulations. The Sixth Circuit Court of Appeal of held that the Interstate Commerce Act preempts municipal regulation of towing.

Miami-Dade Consumer Advocate, Leonard Elias, has filed an 'amicus curiae' (Friend of the Court) brief with the United States Supreme Court supporting the position of the City of Columbus position that towing is a local issue and that federal law permits state legislatures to delegate towing regulation to local jurisdictions.

Other organizations that have filed amicus curiae briefs supporting local governments include: the United States Solicitor General; the Kansas State Solicitor; the International Municipal Lawyers Association; the City of Toledo; the City and County of San Francisco and Santa Ana; the Coalition for Local Sovereignty; and the City of Dallas.

The case is similar to the October, 1998, '*City of Atlanta, Georgia v. R. Mayer of Atlanta*' case in which a ruling by the Eleventh Circuit Court of Appeals preempted all cities and counties in the Eleventh Circuit, including Miami-Dade, Broward and Palm Beach Counties, from regulating the towing industry. All three counties had active towing regulatory programs prior to that ruling.

The only area of towing now subject to local control is the price charged for an 'involuntary tow,' that is when the vehicle is towed from private property without the consent of the motorist or the tow has been carried out by the police.

“Towing in general, and involuntary tows in particular, is an area in need of greater consumer protections,” says Elias. He notes that “towing has always been a source of many consumer complaints.”

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The Miami Dade Consumer Services Department is an agency of Miami-Dade County government that protects consumers through complaint mediation, business regulation, and consumer education. The Department operates the Consumer Hotline (305) 375-3677, a central telephone number for consumer complaints and information.